

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CIV-93-1134-BRB/LFG

CIBOLA COUNTY, NEW MEXICO;
CIBOLA COUNTY BOARD OF
COMMISSIONERS; STEVE BARELA,
BENNIE COHOE, WILLIAM R.
DAWSON, FRED J. SCOTT, and
RALPH MCQUEARY, Members of the
Cibola County Board of Commissioners;
and PATRICIA ARAGON, Cibola
County Clerk,

Defendants.

THIRD ORDER
EXTENDING AND MODIFYING STIPULATION AND ORDER
ORIGINALLY ENTERED APRIL 21, 1994

Before BALDOCK, Circuit Judge, and CONWAY and HANSEN, Senior District
Judges.¹

PER CURIAM.

Plaintiff United States initiated this action in September 1993 alleging violations of
the Voting Rights Act of 1965 (VRA) against Defendants Cibola County, New Mexico, and

¹ This three judge panel is convened in accordance with 28 U.S.C. § 2284 and 42 U.S.C.
§ 1973aa-2.

its duly elected officials. According to the complaint, VRA violations arose from election practices and procedures adversely affecting Native Americans residing in Cibola County. Pursuant to a court-approved Stipulation and Order (decree), the United States has kept careful watch over Cibola County's electoral process for nearly fifteen years.

The Court entered the original decree in this case directing Defendants' compliance with the VRA on April 21, 1994. Upon the decree's expiration ten years hence, the Court on May 3, 2004, modified and extended the decree at the parties' behest. The first order modified and extended the original decree through December 31, 2006. The second order modified and extended the original decree through January 15, 2009. Now before the Court is the parties' joint motion for a third order modifying and extending the original decree through March 2, 2009.

After careful consideration, the Court GRANTS the parties' joint motion (doc. # 97), and incorporates into this order the parties' Amended Joint Stipulation and Native American Election Information Program (doc. # 89). The decree originally entered on April 21, 1994 (doc. #72); first modified and extended on May 3, 2004 (doc. #82); and modified and extended a second time on March 19, 2007 (doc. #91); is hereby modified and extended a third time. The Court shall retain jurisdiction over the third modified and extended decree through March 2, 2009, after which date the parties should be prepared for the entry of final judgment herein.

Cibola County and its duly elected officials are hereby directed to come into complete compliance with the VRA, NVRA and HAVA by that date. The parties are forewarned that,

after nearly fifteen years, the time for Defendants to fully comply with federal law is now. If Defendants are not in complete compliance with the VRA, NVRA and HAVA on March 2, 2009, the Court shall direct Defendants to show cause why they should not be held in contempt of this Court's decree. See United States v. McKinley County, 941 F. Supp. 1062, 1065 (D.N.M. 1996) ("Entry of a consent decree is a discretionary exercise of judicial power enforceable by contempt.").

SO ORDERED.

Entered for the Court
this 14th day of January, 2009

Bobby R. Baldock
United States Circuit Judge

John E. Conway
Senior United States District Judge

C. LeRoy Hansen
Senior United States District Judge